

1 RONALD E. MALLEN (SBN: 040928)
2 KENDRA L. BASNER (SBN: 250088)
2 HINSHAW & CULBERTSON LLP
One California Street, 18th Floor
3 San Francisco, CA 94111
Telephone: 415-362-6000
4 Facsimile: 415-834-9070
rmallen@hinshawlaw.com
kbasner@hinshawlaw.com

6 *Attorneys for Plaintiff*
SIMMONDS & NARITA LLP
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

12 SIMMONDS & NARITA LLP, a limited liability partnership,) Case No.: CV 08 2209 SI
13 Plaintiff,)
14 vs.) APPLICATION FOR WITHDRAWAL
15 JEFFREY SCHREIBER, SUZANNE E.) AND SUBSTITUTION OF NEW
16 SCHREIBER, and DOES 1 through 50,) COUNSEL FOR PLAINTIFF AND
inclusive) (PROPOSED) ORDER
17 Defendants.)

19 Plaintiff Simmonds & Narita LLP hereby applies to the Court and requests that the
20 Court permit the withdrawal of current counsel for Plaintiff, Smith Lillis Pitha, LLP, and
21 permit the substitution of new counsel for Plaintiff, Hinshaw & Culbertson, LLP, as
22 counsel of record in the place of Smith Lillis Pitha, LLP. Hinshaw & Culbertson, LLP is
23 located at One California Street, 18th Floor, San Francisco, California 94111, telephone
24 415-362-6000, facsimile 415-834-9070, and its partner Ronald E. Mallen (SBN 040928),
25 rmallen@hinshawlaw.com, and associate Kendra L. Basner (SBN 250088),
26 kbasner@hinshawlaw.com, are duly admitted to practice in this District.

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1 Plaintiff requests and consents to this withdrawal and substitution:

2 DATED: 9/24, 2008

3 PLAINTIFF SIMMONDS & NARITA LLP

4 By:

5 TOMIO NARITA, Partner

6 Former counsel consents to this withdrawal and substitution:

7 DATED: 9/23, 2008

8 SMITH LILLIS PITHA LLP

9 By:

10 DAMIEN P. LILLIS

11 New counsel consents to this substitution:

12 DATED: 9/25, 2008

13 HINSHAW & CULBERTSON LLP

14 By:

15 Ronald E. Mallen
16 Kendra L. Basner
17 Attorneys for Plaintiff
18 SIMMONDS & NARITA LLP

19 ORDER

20 THE FOREGOING WITHDRAWAL AND SUBSTITUTION OF ATTORNEY

21 IS HEREBY APPROVED:

22 Dated: _____

23 Honorable Susan Illston
24 United States District Judge

PROOF OF SERVICE

SIMMONDS & NARITA LLP V. JEFFREY SCHREIBER, ET AL.

Case No. CV 08 2209 SI

I am a citizen of the United States and employed in San Francisco, California, at the office of a member of the bar of this Court at whose direction this service was made. I am over the age of 18 and not a party to the within actions; my business address is One California Street, 18th Floor, San Francisco, CA 94111.

On September 29, 2008, I served the document(s) entitled, APPLICATION FOR WITHDRAWAL AND SUBSTITUTION OF NEW COUNSEL FOR PLAINTIFF AND (PROPOSED) ORDER, on the interested parties in this action by placing trust copies thereof enclosed in a sealed envelope(s) addressed as stated below:

SEE ATTACHED SERVICE/MAILING LIST

(BY MAIL): I deposited such envelope in the mail at San Francisco, California. The envelope was mailed with postage fully prepaid. I am readily familiar with this firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at San Francisco, California, in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than 1 day after date of deposit for mailing in affidavit.

(BY FACSIMILE TRANSMISSION): I caused a true copy thereof from sending facsimile machine telephone number 415-834-9070 to be sent via facsimile to the above listed names and facsimile numbers and received confirmed transmission reports indicating that this document was successfully transmitted to the parties named above.

(VIA OVERNIGHT MAIL): I deposit such envelope to be placed for collection and handling via UPS following our ordinary business practices. I am readily familiar with this business' practice for collecting and processing correspondence for UPS. On the same day that material is placed for collection, it is picked by UPS at San Francisco, California.

(BY HAND DELIVERY): I caused each such envelope(s) to be delivered by hand to the addressee(s) mentioned in the attached service mailing list.

(BY ELECTRONIC MAIL) By transmitting a true copy thereof to the electronic mail addresses as indicated below.

I declare under penalty of perjury under the laws of the United States that the above true and correct and was executed on September 29, 2008, at San Francisco, California.

Annette Di Giovanni
ANNETTE DI GIOVANNI

SERVICE/MAILING LIST

Simmonds & Narita LLP v. Jeffrey Schreiber, et al.
Case No. CV 08 2209 SI

**Attorney for Defendants Jeffrey Schreiber
and Suzanne E. Schreiber**

Wallace Doolittle
LAW OFFICES OF WALLACE DOOLITTLE
1260 B Street, Suite 220
Hayward, CA 94541
T: 510-888-0600
F: 510-888-0606
Email: doolittlelew@doolittlelaw.com

**Attorney for Plaintiff Simmonds & Narita
LLP**

Damien P. Lillis
SMITH, LILLIS, PITHA LLP
400 Montgomery Street, Suite 501
San Francisco, CA 94104
T: 415-814-0405
F: 415-217-7011
Email: dlillis@slplawfirm.com